

Rule 19. Extraordinary writs.

(a) Petition for extraordinary writ to a judge or agency; petition; service and filing. An application for an extraordinary writ referred to in Rule 65B, Utah Rules of Civil Procedure, directed to a judge, agency, person or entity shall be made by filing a petition with the clerk of the appellate court . Service of the petition shall be made on the respondent judge, agency, person, or entity and on all parties to the action or case in the trial court or agency. In the event of an original petition in the appellate court where no action is pending in the trial court or agency, the petition shall be served personally on the respondent judge, agency, person or entity and service shall be made by the most direct means available on all persons or associations whose interests might be substantially affected.

(b) Contents of petition and filing fee. A petition for an extraordinary writ shall contain the following:

(b)(1) A statement of all persons or associations, by name or by class, whose interests might be substantially affected;

(b)(2) A statement of the issues presented and of the relief sought;

(b)(3) A statement of the facts necessary to an understanding of the issues presented by the petition;

(b)(4) A statement of the reasons why no other plain, speedy, or adequate remedy exists and why the writ should issue;

(b)(5) Except in cases where the writ is directed to a district court, a statement explaining why it is impractical or inappropriate to file the petition for a writ in the district court;

(b)(6) Copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition;

(b)(7) A memorandum of points and authorities in support of the petition; and

(b)(8) The prescribed filing fee, unless waived by the court.

(b)(9) Where emergency relief is sought, the petition must comply with Rule 8A(b), including any additional requirements set forth by that subpart.

(c) Response to petition . The judge, agency, person, or entity and all parties in the action other than the petitioner shall be deemed respondents for all purposes. Two or more respondents may respond jointly. If any respondent does not desire to appear in the proceedings, that respondent may

31 advise the clerk of the appellate court and all parties by letter, but the allegations of the petition shall
32 not thereby be deemed admitted. Where emergency relief is sought, Rule 8A(d) shall apply.
33 Otherwise, within seven days after service of the petition, any respondent or any other party may
34 file a response in opposition or concurrence, ~~together with a supporting memorandum of law~~ which
35 includes supporting authority.

36 (d) Review and disposition of petition. The court shall render a decision based on the petition
37 and any timely response, or it may require briefing or the submission of further information, and
38 may hold oral argument at its discretion. If additional briefing is required, the briefs shall comply
39 with Rules 24 and 27. Rule 8A(f) applies to requests for hearings in emergency matters. With regard
40 to emergency petitions submitted under Rule 8A, and where consultation with other members of the
41 court cannot be timely obtained, a single judge or justice may grant or deny the petition, subject to
42 review by the court at the earliest possible time. With regard to all petitions, a single judge or justice
43 may deny the petition if it is frivolous on its face or fails to materially comply with the requirements
44 of this rule or Rule 65B, Utah Rules of Civil Procedure. The denial of a petition by a single judge
45 or justice may be reviewed by the appellate court upon specific request filed within seven days of
46 notice of disposition, but such request shall not include any additional argument or briefing.

47 (e) Transmission of record. In reviewing a petition for extraordinary writ, the appellate court
48 may order the record, or any relevant portion thereof, to be transmitted.

49 (f) Number of copies. For a petition presented to the Supreme Court, petitioner shall file with
50 the clerk of the court an original and five copies of the petition. For a petition pending in the
51 Supreme Court, respondent shall file with the clerk of the court an original and five copies of the
52 response. For a petition presented to the Court of Appeals, petitioner shall file with the clerk of the
53 court an original and four copies of the petition. For a petition pending in the Court of Appeals,
54 respondent shall file with the clerk of the court an original and four copies of the response.

55 (g) Issuance of extraordinary writ by appellate court sua sponte. The appellate court, in aid of
56 its own jurisdiction in extraordinary cases, may issue a writ of certiorari sua sponte directed to a
57 judge, agency, person, or entity. A copy of the writ shall be served on the named respondents in the
58 manner and by an individual authorized to accomplish personal service under Rule 4, Utah Rules
59 of Civil Procedure. In addition, copies of the writ shall be transmitted by the clerk of the appellate
60 court, by the most direct means available, to all persons or associations whose interests might be

substantially affected by the writ. The respondent and the persons or associations whose interests are substantially affected may, within four days of the issuance of the writ, petition the court to dissolve or amend the writ. The petition shall be accompanied by a concise statement of the reasons for dissolution or amendment of the writ.